General
Services
Administration Washington, DC 20405

MAY 1978

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your letter of April 19, 1978, in which you appeal under the Freedom of Information Act as amended (5 U.S.C. 552) the denial to you of certain administrative records of the National Archives and Records Service relating to research by Edward J. Epstein and personnel of Reader's Digest for Mr. Epstein's book, Legend: The Secret Life of Lee Harvey Oswald. Your letter was received in this office on April 24, 1978.

Your FOIA request in your letter of March 26, 1978, was for free copies of "all records relating to the book and the agencies involved in it, as stated above; copies of all records identical to those made available to Epstein or on his behalf; copies of all records relating to the processing of his and all other similar or identical requests and particularly relating to the claims to exemptions; copies of any and all information requests made by him or for him and of similar requests by others; and if there is any claim to withholding or any denial a statement of need in a case the Attorney General calls historical."

Your appeal of the denial to you of copies of NARS administrative records relating to research by Mr. Epstein, Reader's Digest personnel, and other researchers is denied under 5 U.S.C. 552 (b) (4), "trade secrets and commercial or financial information obtained from a person and privileged or confidential" and (b) (6), "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," and under the Privacy Act of 1974, 5 U.S.C. 552 a (b), "no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with prior written consent of, the individual to whom the record pertains..."

Privacy is essential in order to protect the integrity of research, and we think that "trade secrets and commercial...information" includes the

way in which an author does his research. The records denied to you consist of researcher applications, correspondence, lists of documents, notes of telephone requests, reproduction service orders, deposit account records, and reference service slips. They are contained in records systems designated as GSA/NARS 1, Researcher Application Files, and GSA/NARS 2, reference request files (40 Federal Register 39161), that are subject to the Privacy Act of 1974. Mr. David Otis Fuller, Jr., counsel for the Reader's Digest Association, Inc., stated in response to an inquiry by a member of the staff of the Office of General Counsel of GSA that he objected to the release to you of the NARS administrative records relating to research for Mr. Epstein's book and refused to waive the provisions of the Privacy Act.

We would point out that all records made available to Mr. Epstein and Reader's Digest by the National Archives are available to all researchers. The publicly available records relating to the assassination of President Kennedy will be shown to you or your agent on request in the Central Research Room of the National Archives, and copies will be furnished to you for the usual fees. Compliance with your request quoted above for free copies would involve furnishing you free copies of a substantial part, if not all, of the publicly available records relating to the assassination of President Kennedy in the National Archives. It is estimated that the copies you requested would cost at least $5,000 and probably much more.

This letter represents the final administrative consideration of your request. You have the right to seek judicial review of this decision by filing a civil action in the Federal district court for the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,

Robert T. Griffin

Robert T. Griffin
Administrator